

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMCONSUL VANCOUVER

LIMITED OFFICIAL USE STATE 226375

FOLLOWING REPEAT STATE 226375 SENT ACTION WARSAW MOSCOW
COPENHAGEN CASABLANCA MEXICO TOKYO SEOUL TAIPEI FTD 23 SEPT
QUOTE:

C O N F I D E N T I U L

LIMITD OFFICIAL USE STATE 226375

FOR SULLIVAN SPECIAL ICNAF MEETING, WINDSOR HOTEL, MONTREAL

FOLLOWING REPEAT STATE 226375 ACTION WARSAW INFO MOSCOW
COPENHAGEN CASAXL
NCA MEXICO TOKYO SEOUL TAIPEI SEP 2 .;

17953: LIMITED OFFICIAL USE STATE 226375

E.O. 11652: N/A

TAGS:EFIS, PL

SUXJECT:IMPLEMENTATION OF US-POLISH PACIFIC COAST FISHER-
IES AGREEMENT

1. UNDER TERMS OF BILATERAL AGREEMENT CONCLUDED BE-
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TWEEN US AND POLUN

WHICH ENTERED INTO FORCE KINE 15,
1975, IT WAS AGREED THAT POLISH CATCH OF HAKE WOULD
BE HELD TO LEVEL NOT EXCES

ING THAT OF THEIR 1974 CATCH.

ALTHOUGH AGREEMENT DOES NOT MENTION SPECIFIC FIGURES, BOTH SIDES UNDERSTAND THAT LEVEL REFERRED TO IS 44,300 METRIC TONS.

2. RECENT CALCULATIONS MADE BY US FISHERY EXPERTS INDICATE THAT POLISH FLEET HAS FAR EXCEEDED ITS 1974 LEVEL OF CATCH AND IN FACT SHOULD HAVE REACHED THAT TARGET BEFORE MID-SUMMER. HOWEVER, WE FIND THEIR FLEET STILL FISHING FOR HAKE. ON OTHER HAND, SOVIETS STOPPED FISHING FOR HAKE A MONTH AGO AND HAVE WITHDRAWN THEIR VESSELS.

EM IT SHOULD BE NOTED THAT US FISHERY EXPERTS VERY ACCURATELY CALCULATED POLISH HAKE CATCH IN 1974 WELL BEFORE MAY NEGOTIATIONS AND INDEPENDENT OF ANY DATA SUB-

MITTED BY POLES. IN THIS AND OTHER CASES, THEY HAVE BEEN ABLE TO PROJECT FOREIGN FISH CATCHES WITH REMARKABLE DEGREE OF ACCURACY. IT IS THEIR PROJECTION THAT ON BASIS OF KNOWN CATCH RATES IN 1974 AND OBSERVED FISHING SNFORT THIS YEAR, POLISH HAKE CATCH AS OF JULY 31 WOULD BE OVER 70,000 TONS OR FAR IN EXCESS OF MUTUALLY AGREED CATCH LEVEL.

4. DURING MAY NEGOTIATIONS, US EMPHASIZED TO POLES THAT HAKE CONSERVATION MEASURES CAN ONLY BE EFFECTIVE IF THEY APPLIED TO HAKE THROUGHOUT THEIR RANGE OF DISTRIBUTION. LIMITATION ON CATCH SHOULD THEREFORE NOT BE CONSIDERED AS APPLICABLE ONLY TO HAKE TAKEN OFF US COAST SINCE THIS SPECIES MIGRATES NORTHWARD TO NEARBY WATERS OFF CANADIAN COAST AND BECOMES VULNERABLE AT THAT TIME TO A FISHERY CONDUCTED IN THOSE WATERS. AT SAME TIME, US COULD NOT VERY WELL INCLUDE IN AGREEMENT LANGUAGE INDICATING CONTROL OVER POLISH UCTIVITIS OFF CANADIAN COAST. FOR THESE REASONS, ARTICLE 3, PARA I STATES CATCH LIMITATION APPLIES TO HAKE THROUGHOUT NORTHEASTERN PACIFIC SO AS TO CIRCUMVENT JURIDICAL PROBLEM AND TO PROVIDE FULL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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PROTECTION TO RESOURCE.

5. MOST RECENT SURVEILLANCE REPORTS INDICATE POLISH FLEET IS NOW CONCENTRATING IN WATERS OFF SOUTHERN BRITISH COLUMBIA, CANADA AND IS CONTINUING TO FISH FOR HAKE. IT IS US VIEW THAT THIS ACTIVITY CONSTITUTES VIOLATION OF AGREEMENT.

6. US CONSIDERS HAKE RESOURCE TO BE OVERFISHED, THAT CATCH LEVELS ARE BEING MAINTAINED BY FOREIGN FLETS ONLY BY GREUTLH INTENSIFYING THEIR FISHING EFFORTS UN EXPANDING THEIR OPERATIONS OVER WIDER AREAS. FOR EXAMPLE,

BECAUSE OF LACK OF AVAILABILITY OF ADULT HAKE, USSR AND POLAND EARLIER THIS YEAR BEGAN FISHING FOR HAKE IN MORE SOUTHERLY GROUNDS FOR YOUNG IMMATURE HAKE. US BOARDINGS AND INSPECTIONS OF FOREIGN VESSELS HAVE CONFIRMED THAT THEY WERE CATCHING IMMATURE FISH, DESCRIBED IN ONE CASE BY SOVIET FISHERMEN AS BEING QUOTE TOO SMALL FOR PROCESSING AS FOOD FISH AND ONLY GOOD FOR REDUCTION INTO MEAL UNQUOTE.

7. INDUSTRY ADVISORY BODY FOR NORTH PACIFIC FISHERIES WILL BE MEETING IN SEATTLE SEPT. 29-30. WE ANTICIPATE THEY WILL EXPRESS STRONG DISSATISFACTION OVER OPERATION OF US-POLISH AGREEMENT ANF MY EVEN RECOMMEND THAT AGRSEMENT BE TERMINATED. IT IS THEIR VIEW AS WELL AS THAT OF

US SCIENTISTS AND ENFORCEMENT AGENTS THAT POLES ARE NOT REPEUT NOT XIDING BY AGREEMENT. ON BASIS OF AVAILABLE INFORMATION, DEPARTMENT EXPERTS CONCUR THERE IS SUFFICIENT AND REASONABLE EVIDENCE SUPPORTING THEIR VIEWS.

8. POST IS REQUESTED TO MAKE HIGH LEVEL APPROACH TO POLES AND APPRISE THEM OF US DIS ATISFACTION OVER OPERATION OF AGREEMENT. GOP SHOULD BE ADVISED THAT SUCCESSFUL RENEGOTIATION OF AGREEMENT (WHICH TERMINATES DSC GEQ THIS YEAR) WILL BE EXTREMELY DIFFICULT UNFER CURRENT CIRCUMSTANCES OF SERIOUS AND GROWING CONCERN OF US FISHING INTERESTS OVER LACK OF EFFECTIVE IMPLEMENTATION OF AGREEMENT LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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MENT BY POLAND.

9. POST SHOULD INDICATE THAT USG FINDS IT MOST DIFFICULT AND IN FACT INCREDIBLE TO BELIEVE THAT POLISH FLEET HAS NOT YET REACHED TARGET. IF SO THIS COULD INDICATE ABUNDANCE OF HAKE HAS DROPPED VERY SHARPLY AND THAT RESOURCE IS IN FAR WORSS CONDITION THAN BELIEVED BY US SCIENTISTS AND THAT ALL FISHING FOR HAKE SHOULD STOP IMMEDIATELY AND FUTURE HARVESTS SHARPLY REDUCED.

10. POST IS ALSO REQUESTED TO ELABORATE ON PARA 4 ABOVE. POLISH FLEET IS NOW CONCENTRATED OFF CANADAM IN US VIEW, THIS DOES NOT ABSOLVE FLEET FROM RESPONSIBILITY AND OBLIGATION OF NOT FISHING FOR HAKE. REQUEST THAT THEIR FLEET STOP REPS T STOP FISHING HAKE IMMEDIATELY. USG REQUIRES IMMEDIATE NOTIFICATION OF RESPONSE OF GOP AND ACTION TAKEN.

11. INFORM POLES ALSO THAT CATCH DATA FOR PERIOD
UP TO JUNE 30 WHICH THEY RECENTLY SUBMITTED ARE INCOMPLETE
WITH REGARD TO POLAND'S COMMITMENTS FSCRIBED IN ARTICLE 1,
PARA M DEPT COMMERCE HAS REQUESTED TH
T DEPARTMENT RE-
MIND POLAND OF ITS COMMITMENT AND REQUEST POLAND TO TAKE
IMMEDIATE STEPS TO PROVIDE US WITH DETAILED DATA AS
SPECIFIED IN AGREEMENT. PLEASE ALSO REQUEST CURRENT DATA
ON THEIR HAKE CATCH.

12. FYI. POLISH EMBASSY INFORMED DEPARTMENT TODAY THAT
GOP CAN MEET WITH USG FOR NEXT ROUND OF TALKS IN WASHINGTON
DEC 4-12. EMBASSY HAS BEEN INFORMED OF SUBSTANCE OF THIS
CABLE. INGERSOLL UNQUOTE ROBINSON
KISSINGER

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